

REMARKS/ARGUMENTS

This Amendment is submitted in response to the Office Action of August 7, 2003. This Amendment is provided within the period for reply extending to November 7, 2003. Claims 1, 3-4, 7-8, 11, and 22 are currently amended. Claims 2, 5-6, 9-10, and 12-21 are currently cancelled. Claims 23-37 have been added in this Amendment. Claims 1, 3-4, 7-8, 11, and 22-37 remain pending in this case after entry of this Amendment.

Specification

The specification has been amended to correct an editorial error. More specifically, "step 306" on page 21, line 10, has been replaced with "step 304" to be consistent with the discussion provided on page 21, lines 6-7.

Rejections under 35 U.S.C. § 103

Claims 10 and 12-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Finch et al. ("Finch") (U.S. Patent No. 5,805,796) in view of Ashe et al. ("Ashe") (U.S. Patent No. 6,307,574). These rejections are respectfully traversed.

Claims 10 and 12-21 were previously cancelled in an Amendment filed March 17, 2003, to expedite prosecution of the application in favor of claims 1-9, 11, and 22, which were allowed at that time. However, the subsequent to filing the Amendment of March 17, 2003, the Examiner withdrew allowance of claims 1-9, 11, and 22 in view of new cited art. Based on the present rejections of claims 10 and 12-21, it is unclear as to whether the Amendment filed March 17, 2003, was entered by the Examiner. To avoid confusion with respect to the status of the claims, the present Amendment continues to list claims 10 and 12-21 as being cancelled. Therefore, the present rejections of claims 10 and 12-21 are considered moot.

Claims 1-9, 11, and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Finch and Ashe in further view of Guillen et al. ("Guillen") (U.S. Patent No. 5,701,485). These rejections are respectfully traversed.

Numerous amendments have been made to independent claims 1, 11, and 22, to further distinguish the present invention. It should be understood, however, that the present amendments to independent claims 1, 11, and 22 are not indicative of the propriety of prior rejections, nor to be considered as acquiescence to prior rejections. Furthermore, new independent claims 26, 32, 34, and 35 are presented for consideration and are asserted to be patentable over the cited art of record.

With respect to independent claims 1, 11, 22, 26, 32, 34, and 35, neither the teachings nor the nature of the problem solved in either Finch, Ashe, or Guillen, or the combination thereof, motivate or suggest to one of ordinary skill in the art at the time of the invention to combine their respective teachings in a manner that would make the presently claimed invention obvious when considered as a whole. Furthermore, the combination of Finch, Ashe, and Guillen fail to teach or suggest each and every element and limitation of the invention as presently claimed, particularly when considered in light of the specification.

The Applicant respectfully submits that a *prima facie* case of obviousness has not been established against independent claims 1, 11, and 22, as amended. Therefore, the Applicant requests withdrawal of the rejections standing against claims 1, 11, and 22. Furthermore, the Applicant submits that dependent claims 3-4 and 7-8 are patentable for at least the same reasons as their respective independent claims. Therefore, the Applicant requests withdrawal of the rejections standing against claims 3-4 and 7-8. Additionally, the Applicant submits that new claims 23-37 are patentable over the cited art of record.

Summary of Telephone Interview with Examiner

A telephone interview was conducted between the Applicant's representative Kenneth D. Wright (Reg. No. 53,795) and the Examiner Steven Sax on October 29, 2003. The purpose of the interview was to discuss the merits of the case in view of the Examiner's comments contained in the Advisory Action mailed on August 7, 2003. Potential claim amendments were discussed. It was concluded that the Applicant's representative would consider the discussion with the Examiner in formulating possible claim amendments. It was further concluded that the Examiner would provide full consideration to each claim as amended upon further examination.

In view of the foregoing, a notice of allowance is respectfully requested. If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6900 x6903. If any additional fee other than the enclosed fees are due in connection with filing this amendment, the Commissioner is authorized to charge to such fees Deposit Account No. 50-0805 (Order No. SUNMP068). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
MARTINE & PENILLA, LLP

A handwritten signature in black ink, appearing to read 'Albert S. Penilla', with a long horizontal line extending to the right.

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